IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

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**WRIT PETITION NO : 15896 of 2005**

Between:

Singareni Mahila Degree Kalasala Mandamarri, Adilabad District rep by Correspondent, Mukesh Upadhyay S/o Nenuramji Upadhyay

**..... PETITIONER**

AND

1. A.P. State Council for Higher Education, Saifabad, Hyderabad rep by Secretary.
2. Kakatiya University Warangal rep by Registrar.
3. Adarsh Mahila Degree College Bellampally Village & Mandal, Adilabad District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or writs, orders or directions, declaring the permission granted by first respondent in favour of third respondent, pursuant to the notification dt 24-11-2004 issued by first respondent, as illegal and arbitrary; Award costs.

**Counsel for the Petitioner: MR.N.SRIDHAR REDDY**

**Counsel for the Respondent No.1: MR.SURESH ANAND**

**Counsel for the Respondent No.2: MR.DEEPAK BHATTACHARJEE**

**Counsel for the Respondent No.3: --**

**The Court at the admission stage made the following:**

**ORDER:**

This writ petition is filed by the petitioner aggrieved by the action of the first respondent in granting permission for establishment of a degree college in favour of the third respondent.

The grievance of the petitioner is that it established a degree college at Mandamarri in Adilabad District and is getting 70% students from Bellampally village. Therefore, if a college is established by the third respondent at Bellampally, it would affect its interest and therefore permission granted in favour of the third respondent is illegal and without jurisdiction. Further, according to the learned counsel for the petitioner, the third respondent did not possess the requisite infrastructure for establishing a degree college. According to the learned counsel, 6000 sq.ft., constructed area is required for establishing a degree college, whereas the third respondent has only 1500 sq.ft. Therefore, it is not proper and just to grant permission in favour of the third respondent.

The learned Standing Counsel appearing for the first respondent, however, contended that the petitioner has no locus standi to question the grant of permission in favour of the third respondent. With reference to non-possession of infrastructure, it is for the first respondent-authorities to look into those aspects. If the third

respondent did not possess the requisite infrastructure including the required area of building, it is for the first respondent to cancel the permission, but the petitioner cannot assail the grant of permission in favour of the third respondent.

Heard both sides and considered the material on record.

Prima facie, the petitioner has no locus standi to question the grant of permission for establishing a degree college where the petitioner has a degree college and where the third respondent is proposing to establish its new college, may be at a distance of 7 km. Therefore, the petitioner cannot claim that it is aggrieved by the grant of permission in favour of the third respondent. Insofar as the insufficient infrastructure including the required area of building, it is for the first respondent to look into those aspects. Even if permission is granted in favour of the third respondent, the first respondent is directed to look into those allegations, if required, by calling for fresh reports.

The writ petition is disposed of with the above observations. No costs.

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21.07.2005

VGB

To

1. The Secretary, A.P. State Council for Higher Education, Saifabad, Hyderabad.
2. The Registrar, Kakatiya University Warangal.
3. Adarsh Mahila Degree College Bellampally Vilalge & Mandla Adilabad District.
4. 2CD copies.